REMARKS

Claims 1-35 and 37 are pending. It is alleged in the Communication that the claims are directed to 44 independent and patentably distinct inventions, which have been set forth as follows:

Group I-X: claims 1-17, 21-23, 34-35 and 37, chosen from ONE of the following sequences: a nucleic acid of SEQ ID NO: 11-20, encoding SEQ ID NO: 1-10; vectors comprising the sequence and host cells comprising the vector, and methods of making the polypeptide;

Group XI-XX: claims 18, 21-23, 34-35 and 37, drawn to a polypeptide of ONE of the following sequences: SEQ ID NO: 11-20;

Group XXI-XXX: claims 19-20, 21-23, 34-35 and 37, drawn to an antibody which binds to ONE of the following sequences: SEQ ID NO: 11-20;

Group XXXI: claim 24, drawn to a method of mutation of a glutamate receptor;

Group XXXII-XXXXII: claims 25-27 and 30-31, drawn to a method of identifying a compound which binds to ONE of the following sequences: SEW ID NO: 11-20; and

Group XXXXIII-XXXXIV: claims 28-29, drawn to a method for production of a pharmaceutical composition.

Applicant respectfully traverses the restriction requirement for the reasons set forth below. Nevertheless, in order to be fully responsive to the Communication, the claims of Group VII, claims 1-17, 21-23, 34-35 and 37, drawn to a nucleic acid of SEQ ID NO: 17, encoding the polypeptide of SEQ ID NO: 7; vectors comprising the sequence and host cells comprising the vector, and methods of making the polypeptide, are provisionally elected for examination.

The Restriction Requirement is traversed because claim 1 covers a nucleotide sequence encoding a non-desensitizing glutamine receptor of the AMPA-type and subunits thereof, whose corresponding leucine at amino acid position 497 in rat $GluR1_{flip}$ has been replaced by an aromatic amino acid. As disclosed on page 8, last paragraph to page 9, first paragraph of the specification, the "leucine corresponding to position 497 of the wild-type rat AMPA-receptor $GluR1_{flip}$" corresponds to highly defined leucine-residues in the GluRs of other species. Corresponding examples are given in the first paragraph of page 9. Furthermore, the sequences grouped by the Examiner in groups I to X all relate to the same inventive concept, namely the provision of a non-desensitizing AMPA-receptor with one specific, defined mutation. Therefore, the SEQ ID NOs merely define specific embodiments of one single invention, namely the provision of a non-desensitizing AMPA-receptor comprising one defined mutation.

Accordingly, Applicant respectfully requests rejoinder of the product claims as characterized in groups I to X. Further, Applicant respectfully requests that the process claims that depend from or otherwise include all the limitations of any allowable product be rejoined in accordance with the provisions of MPEP § 821.04.

CONCLUSION

Enclosed is check # 568448 in the amount of $55.00 for One-Month Extension of Time fee. The Commissioner is hereby authorized to charge any additional amounts required by this filing, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

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